

Remarks:

Reconsideration of the application is requested.

Claims 1-13 remain in the application.

In the fourth paragraph on page 2 of the Office action, claims 1-7 have been rejected as being fully anticipated by Pocholle et al. (FR 2 785 098) under 35 U.S.C. § 102.

Applicant respectfully notes that Pocholle et al. has a publication date of **April 28, 2000**. As set forth on page 1 of the specification, the instant application is a continuation application of copending International Application Serial No. **PCT/EP00/05049**, filed **June 2, 2000**, which claims the international priority of the German Application No. **199 27 054.6**, filed **June 14, 1999**, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Pocholle et al. by more than 10 months. Because Pocholle et al. was filed after the priority date of the instant application, applicant respectfully believes that Pocholle et al. is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. A certified English translation of German Application No. 199 27 054.6 will shortly follow this response. Accordingly, applicant respectfully believes that priority has been perfected and Pocholle is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on pages 2 to 3 of the Office action is now moot.

In the second paragraph on page 3 of the Office action, claims 8 and 9 have been rejected as being obvious over Pocholle et al. (FR 2 785 098) in view of Braunch et al. (U.S. Patent No. 5,553,088) under 35 U.S.C. § 103. As noted above the Pocholle et al. reference is unavailable as prior art. Therefore, the above-noted rejection is now moot.

In the second paragraph on page 4 of the Office action, claims 8 and 9 have been rejected as being obvious over Pocholle et al. (FR 2 785 098) in view of Itai. (U.S. Patent No. 5,148,441) under 35 U.S.C. § 103. As noted above the Pocholle et al. reference is unavailable as prior art. Therefore, the above-noted rejection is now moot.

It is accordingly believed to be clear that none of the references that are available as prior art, whether taken

alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.


In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
\_\_\_\_\_  
For Applicant(s)

**Alfred K. Dassler**  
**52,794**

AKD:cgm

April 3, 2003

Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101